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REMARKS

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Upon entry of the amendments herein, claims 1-27, 29, 31-37 and 43-45 are pending in the application. Claims 1, 10, 19, 29 and 31 have been amended; claim 30 has been canceled; and new claims 43-45 have been added. Claims 34-37 currently stand withdrawn pending their rejoining to the claims now being considered by the Examiner upon determination of allowable subject matter. No new matter has been introduced by any of the amendments herein.

In light of Applicants' last response, the Examiner has withdrawn the previous prior art rejection. However, the Examiner has leveled some new grounds of rejection based on prior art.

Claims 1-18 stand newly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,270,524 to Kim.

The Examiner has focused on Figures 2A and 2C of the Kim patent, duping them into the body of the Office Action and denoting various elements shown in those figures that allegedly meet the description of elements in the language of the instant claims. The Examiner essentially asserts that all of the elements described in the language of the rejected claims can be found in Figures 2A and 2C of Kim.

Claims 1 and 10 have been amended herein to more particularly describe the subject matter regarded as the

invention. More specifically, these claims have been amended to further describe the connecting segments of the instant stents and, still further, to describe the interrelationships among the connecting segments, the helical segments and the circumferential segments of the present stents. The exemplary (but certainly not exclusive) connecting segments (250) shown in, for example, instant Figures 1-4 and 7, and the interrelationships depicted in these figures among the connecting segments, helical segments and circumferential segments are clearly nothing like the connecting segments of Kim and nothing like the interrelationships among the connecting segments of Kim and what the Examiner has labeled the helical segments and circumferential segments of the Kim stent. In light of the amendments herein to claims 1 and 10, amendments fully supported by the instant disclosure, including the figures, there can be no question that the stents envisioned by the present inventors are not depicted by the cited Kim figures, nor are the present stents taught or suggested in any way by any of the Kim disclosure.

Based on the amendments to base claims 1 and 10, the rejection of the claims dependent therefrom, 2-9 and 11-18, for describing further limitations that allegedly are part of the Kim stent are moot. Again, base claims 1 and 10 are clearly patentably distinct over the Kim disclosure and the distinct

features of the base claims are, of course, retained in all of the dependent claims. Accordingly, it is of no moment that the dependent claims describe further limitations, and thus even narrower embodiments, whether or not these limitations are disclosed by Kim. Claims 1-18 are all patentably distinct over the Kim disclosure, and the rejection must be withdrawn.

Claims 19, 20, 23-27, 29, 30 and 33 stand newly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,432,132 to Cottone et al.

As in the rejection over the Kim patent, the Examiner has focused on a particular Figure, 2, of the cited Cottone patent, indicating various elements depicted in the figure that allegedly are described by the language of instant base claims 19 and 29 and claims dependent therefrom. In some cases, the Examiner also relies on Figure 1 in a more general way, without reference to particular elements depicted in that figure.

Again, as with base claims 1 and 10, base claims 19 and 29 have been amended to more particularly describe the connecting segments of the instant stents and the interrelationships among the connecting segments, the helical segments and the circumferential segments. Again, it can easily be seen that the elements and interrelationships depicted in Cottone Figures 1 and 2 are nothing like those described in amended claims 19 and 29. Again, the amendments to instant claims 19 and 29 are fully

disclosed in the specification, including the figures.

Further with regard to claim 29, the Examiner earlier acknowledged that claim 31 would be allowable if rewritten in independent form including all the limitations of claim 29 and intervening claim 30. In light of the amendments herein to claim 29, both 29 and 31 have been retained. More specifically, the "connecting segment" feature of claim 30 has been incorporated into claim 29 and, further, that feature has been more particularly described in claim 29 along the lines of amended claims 1, 10 and 19. In view of the amendments to claim 29, it is not necessary to incorporate the limitation of claim 31 into claim 29 to meet the Examiner's criterion for patentability. Claim 31 has thus been retained, in a slightly amended form that is in keeping with the stent described in claim 29 and supported by the specification.

The rejections of claims dependent from base claims 19 and 29 are moot in light of the amendments herein to those base claims. Again, the particular features described in claims 20, 23-27, 30 and 33 and alleged to be disclosed by the Cottone reference cannot serve as the basis for an anticipation rejection. It remains that these dependent claims maintain the features recited in the independent claims that clearly distinguish the instant stents from those described by the Cottone reference. Thus, it cannot be said that each and every

feature of the rejected base claims is disclosed by the cited reference, and it follows that the same applies to the rejected dependent claims.

Also, new claims 43-45, dependent respectively from base claims 1, 10 and 19 and reciting the same limitation found in amended claim 31, have been added. These claims must also be held to be allowable.

Finally, claims 21, 22 and 32 stand rejected under 35 U.S.C. §103(a) as being obvious over the same patent to Cottone et al. in view of published U.S. Application No. 2002/0116044 of Cottone Jr. et al. As the Examiner recognizes, the secondary reference cited in this rejection is the same as the reference cited in the now-withdrawn anticipation rejection. Also, the Examiner clarified by telephone that it is the '132 patent of Cottone et al., and not the '524 patent of Kim, that is the primary reference in the current rejection.

Claims 21 and 22, dependent from base claim 19, and claim 32, dependent from base claim 29, recite the further limitation that the stents of the base claims have endzones. The Examiner acknowledges that the primary reference does not teach this limitation and hence invokes the secondary reference, alleged to teach this limitation, as making up for the deficiency in the primary reference. Again, however, this specific teaching attributed to the secondary reference cannot make up for the

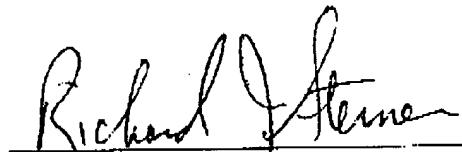
fundamental deficiencies of the primary reference in teaching other features described in the relevant base claims. Accordingly, it cannot be said that the combination of teachings of the two references would teach or even suggest the stents having the combinations of features recited in the rejected claims. This rejection, too, must be withdrawn.

In light of the amendments and arguments set forth herein, claims 1-27, 29, 31-33 and 43-45 are allowable. It is respectfully requested that withdrawn claims 34-37 now be rejoined and also allowed. Allowance of the application with pending claims 1-27, 29, 31-37 and 43-45 is respectfully requested. Should any other matters require attention prior to allowance, it is requested the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge any additional fees that be required for any reason in connection with this communication to Deposit Account No. 23-1703.

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Respectfully submitted,



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